

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 20-14237</b>
<b>Jerome R Armstrong</b>	:	<b>Chapter 13</b>
	:	<b>Judge Magdeline D. Coleman</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>Wells Fargo Bank, N.A.</b>	:	<b>Date and Time of Hearing</b>
	:	<b>Place of Hearing</b>
<b>vs</b>	:	<b>May 30, 2023 at 10:30 a.m.</b>
	:	
<b>Jerome R Armstrong</b>	:	
<b>John T Paugh Jr</b>	:	
<b>Amanda I. Armstrong</b>	:	
<b>Kenneth E. West</b>	:	
<b>Respondents.</b>		

**MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF FROM THE AUTOMATIC  
STAY AND CODEBTOR STAY AS TO JOHN T PAUGH JR AND AMANDA I.  
ARMSTRONG ON FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 348  
BRITT ROAD, NORTH WALES, PA 19454**

Wells Fargo Bank, N.A. ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay and pursuant to 11 U.S.C § 1301 granting relief from the codebtor stay as to John T Paugh Jr and Amanda I. Armstrong on the real property located at 348 Britt Road, North Wales, PA 19454 ("Property"). In support of its motion, Creditor states the following:

1. Jerome R Armstrong ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on October 26, 2020 (the "Petition Date").
2. On March 15, 2017, Debtor and John T Paugh Jr executed a Note in the original amount of \$300,400.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
3. To secure the Note, a Mortgage, executed by Debtor and John T Paugh Jr and Amanda I. Armstrong (the "Codebtors"), was given March 15, 2017, and recorded March 16, 2017.

A copy of the Mortgage and subsequent Assignment of Mortgage are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.

4. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.
5. There are no other liens against the property as listed in Debtor's Schedule D.
6. As of April 24, 2023, the total outstanding amount due on the Note is \$269,633.71 which consists of:

Principal	\$268,115.14
Interest	\$3,597.96
Escrow advance	\$0.00
Late charges	\$0.00
Other Fees	\$0.00
Suspense funds	\$(2,079.39)

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) and the codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
  - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
  - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 3 months as of April 24, 2023 and is in default in the amount of \$4,205.70. This amount is broken down as follows:

<b><u>Post Petition Payments Delinquent to Creditor</u></b>		
<b>Date Range</b>	<b>Amount</b>	<b>Total</b>
February 2023 to April 2023	\$2,095.03	\$6,285.09
Suspense: \$(2,079.39)		
Total: \$4,205.70		

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay and the Codebtor Stay.

Respectfully submitted,

/s/ Adam B. Hall

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Attorneys for Creditor  
The case attorney for this file is Adam B. Hall.  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
: **Case No.: 20-14237**  
**Jerome R Armstrong** : **Chapter 13**  
: **Judge Magdeline D. Coleman**  
**Debtor(s)** : \* \* \* \* \*

:  
**Wells Fargo Bank, N.A.** : **Date and Time of Hearing**  
**Movant,** : **Place of Hearing**  
**vs** : **May 30, 2023 at 10:30 a.m.**  
:  
**Jerome R Armstrong** :  
**John T Paugh Jr** :  
**Amanda I. Armstrong** :  
**Kenneth E. West** :  
**Respondents.**

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Motion of Wells Fargo Bank, N.A. for Relief from the Automatic Stay and Codebtor Stay as to John T Paugh Jr and Amanda I. Armstrong on First Mortgage for Real Property located at 348 Britt Road, North Wales, PA 19454 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,  
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Jerome R Armstrong, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Jerome R Armstrong, John T Paugh Jr, and Amanda I. Armstrong, 348 Britt Road, North Wales, PA 19454

/s/ Adam B. Hall